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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,339	04/13/1999	HISASHI TAKAYAMA	1900/005	2180

7590 06/13/2007  
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WASHINGTON, DC 200363425

EXAMINER
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HAIDER, FAWAAD

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/284,339	<b>Applicant(s)</b> TAKAYAMA, HISASHI	
	<b>Examiner</b> Fawaad Haider	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

238-243

- 4) ☒ Claim(s) 233, 236, 237, 244 and 245 is/are pending in the application.
- 4a) Of the above claim(s) 238-243 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 233, 236, 237, 244 and 245 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 233, 236, 237, 244 and 245 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishioka et al. (5,995,626).

Nishioka et al. discloses an electronic commerce system having a mobile user terminal (10), a service providing system (30), and an examination terminal (40), the mobile user terminal generates a request for an electronic value card information to transmit the request to the service providing system (col. 9, lines 16-30); the service providing system, in response to the request, generates the electronic value card information having secret key data, the secret key data differing for each type of the electronic value card information and to be used in a mutual authentication process executed between the mobile user terminal and the examination terminal, and issues the electronic value card information to the mobile user terminal (col. 13, lines 48-65); and the mobile user terminal receives the electronic value card information issued by the service providing system to hold the electronic value card information, and executes the mutual authentication process with the examination terminal using the secret key

data of the electronic value card information when the examination terminal examines a validity of the electronic value card information held by the mobile user terminal (col. 5, lines 16-32). The examination terminal receives the information transmitted by the service providing system to hold the information, and executes the mutual authentication process with the mobile user terminal using the secret key data of the information when the examination terminal examines the validity of the electronic value card information held by the mobile user terminal (col. 14, lines 35-45).

### ***Response to Arguments***

3. Applicant's arguments filed 3/23/2007 have been fully considered but they are not persuasive. Regarding claim 233, the applicant argues that Nishioka does not disclose electronic value card information. This is not true as can be demonstrated in Figures 1-2, 7, and 13, as well as in the text where it refers to authentication information from the card. The applicant next argues that in the invention of Nishioka, data is not transmitted from the retail store site apparatus (30) or credit card company site apparatus (40) to user site apparatus (10). Data is transmitted between the retail store or credit card company to the user entity as can be shown in Figures 1, 6, 12, 17, and 21-23, as well as in the text where it says "the user selects desired products... which is, for example, supplied from the retail store site apparatus 30 (see col.10, lines 34-44)." The applicant further argues that Nishioka does not disclose the following feature of the mobile user terminal holding electronic value card information received from the service providing system and executing a mutual authentication with the examination terminal

using secret key data included in the electronic value card information. We have already presented our case regarding electronic value card information and the mobile terminals. Nishioka does disclose using secret key data (in col.5, lines 16-32 and col.13, lines 48-65) where it talks about using a secret key and cipher text.

Regarding claim 236, the applicant argues that the invention Nishioka does not disclose the mobile user terminal updating value data of electronic value card information. On the contrary, the card is updated when "the retail store site apparatus 30 requests the credit card company site apparatus 40 to clear up a sum of products which have been purchased by the user... "(col. 9, lines 16-30). Regarding claim 237, the applicant argues that Nishioka does not disclose the examination terminal receiving the information transmitted by the service providing system to hold the information, and executing the mutual authentication process with the mobile user terminal using the secret key data of the information when the examination terminal examines the validity of the electronic value card information held by the mobile user terminal. We have already presented our case regarding electronic value card information and the mobile terminals. Nishioka does disclose using secret key data (in col.14, lines 35-45) where it talks about using a secret key and cipher text.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fawaad Haider  
Examiner  
Art Unit 3627

FIH

  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER

6/7/07